



THE PEOPLE'S FORUM FOR

# PROTECTING CIVIL RIGHTS

ILLINOIS HUMAN RIGHTS COMMISSION

A GUIDE TO UNDERSTANDING THE COMMISSION, THE PROCESS AND YOUR CIVIL RIGHTS

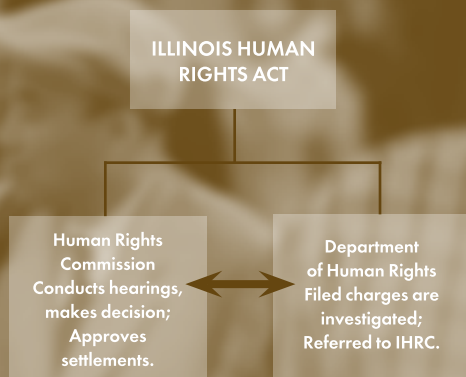
**THE ILLINOIS HUMAN RIGHTS COMMISSION** is dedicated to promoting freedom from unlawful discrimination as defined by the ILLINOIS HUMAN RIGHTS ACT. The Act forbids discrimination based on sex, age, race, color, religion, arrest record, marital status, handicap, citizenship, national origin, ancestry, unfavorable military discharge, retaliation and sexual harassment. The Act forbids discrimination in employment, real estate transactions, higher education, public accommodations and access to financial credit. Our mission is to provide a neutral forum for resolving complaints of discrimination filed under the Illinois Human Rights Act. Our primary responsibility is to make impartial determinations of whether there has been unlawful discrimination as defined by the Illinois Human Rights Act. We are also responsible for furnishing information to the public about the Act and the Commission. To fulfill our mission, we strive to provide professional and competent service to everyone who seeks information from us or who has a case before the Commission.



# OUR MISSION

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The Illinois Human Rights Act established a check-and-balance system to investigate charges and make determinations regarding their validity.



THE COMMISSION ADDRESSES UNLAWFUL DISCRIMINATION

## WORKING TOGETHER FOR HUMAN RIGHTS

THE ILLINOIS HUMAN RIGHTS COMMISSION IS DEDICATED TO

From employment opportunities to public services, from housing issues to financial credit: unlawful discrimination in any area is unacceptable.

### PROMOTING FREEDOM FROM DISCRIMINATION

If an individual or company has been accused of discrimination or feels discriminated against, what recourse is available under Illinois law?

### ILLINOIS INSTITUTED THE MOST COMPREHENSIVE CIVIL RIGHTS LEGISLATION IN ITS HISTORY

The Illinois Human Rights Act was passed by the General Assembly and signed into law by Governor James R. Thompson on December 6, 1979.

### THE HUMAN RIGHTS COMMISSION AND THE DEPARTMENT OF HUMAN RIGHTS WORK TOGETHER TO ENFORCE THE ACT

The Act created a two-part enforcement procedure. The Department of Human Rights investigates charges of discrimination brought under the Act. The Illinois Human Rights Commission reviews and issues decisions on complaints of unlawful discrimination.

The spirit of the Act encourages resolution of claims through the least litigious means. Therefore, claims are resolved at many different stages of the investigation and hearing process. If claims are contested, the Commission



*"Life's most persistent and urgent question is, 'What are you doing for others?'"*

*- Dr. Martin Luther King, Jr.*

## RIGHTS TO PROMOTING FREEDOM FROM UNLAWFUL DISCRIMINATION

acts as an independent forum for all involved parties to receive a final hearing and decision.

### **NON-PARTISAN COMMISSION ARBITRATES FAIRNESS**

The Commission consists of a staff and 13 Commissioners, appointed by the Governor with the advice and consent of the Senate. No more than seven Commissioners can be from the same political party. The Governor designates one of the Commissioners as the Chairman. Newly appointed Commissioners serve a four-year term. At the end of their terms, Commissioners may be reappointed.

The staff includes an Executive Director, a General Counsel and Assistant General Counsel, a Chief Administrative Law Judge, a Fiscal Officer, Administrative Law Judges and administrative operations staff. Offices are maintained in Chicago and Springfield. Through its non-partisan structure, the Commission serves people throughout the state.

## CASE STUDY #1

### CLARA BEASLEY V. ARBY'S

LITIGANTS ARE STRONGLY ENCOURAGED TO SEEK HELP FROM AN ATTORNEY. THE COMMISSION STRIVES TO PROVIDE FAIR SERVICE TO THOSE WHO DO NOT HAVE A LAWYER.



The Complainant in this case conducted a public hearing without an attorney. She proved she was not allowed to apply for a job due to a handicap – she used a walker.

## FOLLOWING THE CORRECT PROCESS HELPS EVERYONE

# WHEN TO INVOLVE THE HUMAN RIGHTS

AS DEFINED BY THE ILLINOIS HUMAN RIGHTS ACT. THE ACT FOR

When filing a claim of discrimination, litigants must follow the rules and regulations of the Commission regarding deadlines and proper procedures.

Staff members can help answer questions for those who want to learn proper practices and procedures for each level of contact with the Commission.

### USING THE CORRECT PROCESS

The Commission recommends that parties involved in discrimination complaints use the services of an attorney who is familiar with the process. An individual unfamiliar with the process could unfortunately make an error that could complicate the proceedings or have a fundamentally adverse impact on his or her rights.

To assist the public, the Commission staff can provide a list of low cost legal services.

A discrimination charge can be initiated by calling, writing or visiting the Department of Human Rights' Chicago or Springfield office within 180 days of the date the alleged discrimination took place. The deadline for filing for housing claims is longer—up to a year following the alleged incident. The alleged “violation” and the Commission are notified of the filed claim, and the Department begins its investigation.



*"Take away an accident of pigmentation of a thin layer of our outer skin and there is no difference between me and anyone else. All we want is for that trivial difference to make no difference."*

*– Shirley Chisholm*

*First African American woman to serve in the United States Congress*

## TS COMMISSION

BIDS DISCRIMINATION BASED ON SEX, AGE, RACE, COLOR, RELI-

Upon completion, the Department serves the parties with one of the following findings:

1. The Department finds substantial evidence that a violation occurred.
2. The claim is dismissed because the Department finds there is not substantial evidence that a violation of the Act occurred.

### INVOLVING THE COMMISSION

When the Department finds evidence of a violation, it files a complaint with the Human Rights Commission. This begins the Commission's official involvement in reviewing and hearing

the complaint. The Commission, through its appointed administrative law judges conducts administrative hearings. After both parties provide evidence, including witnesses' sworn testimony at a public hearing, the presiding Administrative Law Judge issues a recommended order and decision. This step is similar to a court trial. If either party wishes, it may request a review of the hearing by the Commission. The Commission will hear arguments of law, based on the record of the sworn testimony and pleadings filed by the parties. The Commission will issue a formal Order and Decision.



## CASE STUDIES #2 & #3

### SPINKS V. GENERAL MOTORS & MANSKER V. PINNACLE LTD. COMMISSIONERS AND STAFF “MAKE LAW” AND “STUDY LAW” TO STAY CURRENT IN LEGAL THINKING.

The law of sexual harassment is complex and still evolving. In *Spinks* the Respondent did not commit sexual harassment. In *Mansker* the Complainant prevailed.

ANSWERING QUESTIONS UP FRONT

## HOW THE PROCESS WORKS

DISCRIMINATION, ARREST RECORD, MARITAL STATUS, HANDICAP, CITIZENSHIP

Discrimination complaints can be very complex. The Commission works to provide fair adjudication. This section addresses many commonly asked questions about the Commission process.

### SOME COMMONLY ASKED QUESTIONS

**Q:** What types of discrimination are covered by the Act?

*If you have access to a computer, visit the Illinois Human Rights Commission's web site at [www.state.il.us/ihrc](http://www.state.il.us/ihrc) for a full copy of the Act.*

*You can also come to the Commission's offices in Chicago or Springfield, or call us at 312.814.6269 or 217.785.4350.*

**Q:** Once my case has been filed with the Department of Human Rights and referred to the Commission, will I need a lawyer?

*You have a right to be represented by an attorney at the Department of Human Rights and at all Commission proceedings, but you are not required to obtain counsel. However parties are strongly encouraged to do so. By law, the Commission must use the same rules of evidence that are applied in state trial courts. If you are unfamiliar with civil rules of evidence or procedure, you would be at a disadvantage if your opponent is represented by an attorney.*





IP, NATIONAL ORIGIN, ANCESTRY, UNFAVORABLE MILITARY DIS-

**Q: If I can't afford a lawyer, will the Commission appoint one for me?**

*No. The Commission does not appoint attorneys to represent those appearing before it. As a service, the Commission maintains a list of legal service organizations that provide free or low cost legal assistance to those who qualify.*

**Q: What does the legal term “discovery” mean? When does it occur?**

*Discovery is a legal process that allows a party to obtain information that is in the custody of the other party. This helps each party in the preparation of their own case. The primary reason for discovery is to avoid unfair “surprises” at the public hearing. Discovery takes place between the filing of an answer to a complaint and the entry of an Order setting the date for the public hearing.*

*The Commission helps people resolve cases as quickly as possible and with the least amount of litigation.*



## CASE STUDY #4

### DANIKA CRUMP V. FEDEX

COMMISSION ORDERS USUALLY RESOLVE THE SITUATION. WHEN THEY DO NOT, THE COMMISSION WILL NOT HESITATE TO TAKE FURTHER ACTION.

The Respondent settled a race discrimination claim with a former employee and was ordered to pay damages. The Complainant alerted the Commission that the agreement was not honored.

The Commission filed a law suit through the Attorney General and the Respondent made good on the agreement.

## CHARGE, RETALIATION AND SEXUAL HARASSMENT. THE ACT FOR

Most cases are decided through the administrative hearing process. The parties may accept the Administrative Law Judge's recommended order as the final order of the case.

The Human Rights Act allows the parties to seek review by the Commissioners. The Commission may accept, reject, reverse or modify a Judge's recommendations, or remand the case for further proceedings. Either party may file exceptions to the Judge's recommendation.

The Commission meets in panels consisting of three Commissioners, and considers the exceptions and any response for the other party, and determines whether the case merits

further review. For example, the Commission will not grant review when a party merely seeks to admit evidence that could have been raised before the Judge. The Commission may review the case and issue an Order and Decision, or may at its discretion decline to review the case, at its discretion. The Commission considers exceptions in approximately 100 cases per year. It issues an Order and Decision in approximately 40, and grants formal oral argument in approximately 10 of those cases.



# UTILIZING THE COMMISSION PROCESS

## BIDS DISCRIMINATION IN EMPLOYMENT, REAL ESTATE TRANSACTIONS

After the Commission has issued an Order and Decision as a panel of three Commissioners, the parties may seek further review. Usually they do not. A party may seek review of an order from a three member panel by the full Human Rights Commission, with all 13 Commissioners serving *en banc*. This happens approximately three times per year. Once the Commission has issued a final order. By accepting the Judge's

recommendations, issuing an Order and Decision, or hearing the matter at the full Commission, a party may seek review of that final decision by the Illinois Appellate Court.

# THE COMMISSION

{AN EXAMPLE}

PEARCE V. CITY OF HARVEY

The Complainant worked for the Respondent as a water meter reader. The Complainant charged that the Respondent did not call him back to work, after a layoff, as retaliation for his participation as a witness in two other Human Rights Act cases.

Following a public hearing, an Administrative Law Judge found that the Respondent retaliated against the Complainant, in violation of the Act.



## FINAL ORDER

If neither party filed exceptions to the Judge's recommended order, the Commission would issue its final order.

# REVIEW PROCESS

## EXCEPTIONS

The Respondent filed Exceptions arguing that the administrative Law Judge's decision was against the manifest weight of the evidence.

## FINAL ORDER

In this case the Commission declined review of the case and issued its final order.

## ILLINOIS APPELLATE COURT

In this case the Respondent sought review by the Illinois Appellate Court. The Appellate Court sustained the Commission's final order.



The Commission could have exercised one of several options.

## FINAL ORDER

The Commission could have taken further review. On review, the Commission can take several options.

The Commission can reverse, sustain or modify the Judge's recommendation. In rare cases, the Commission remands the case back to the Judge for further hearings.

## FOLLOWING A FINAL ORDER

Following the Commission's final order, the vast majority of cases end. But a party has the right to seek rehearing by the Commission en banc, or seek review by the Illinois Appellate Court.

## RESOURCES AT THE READY

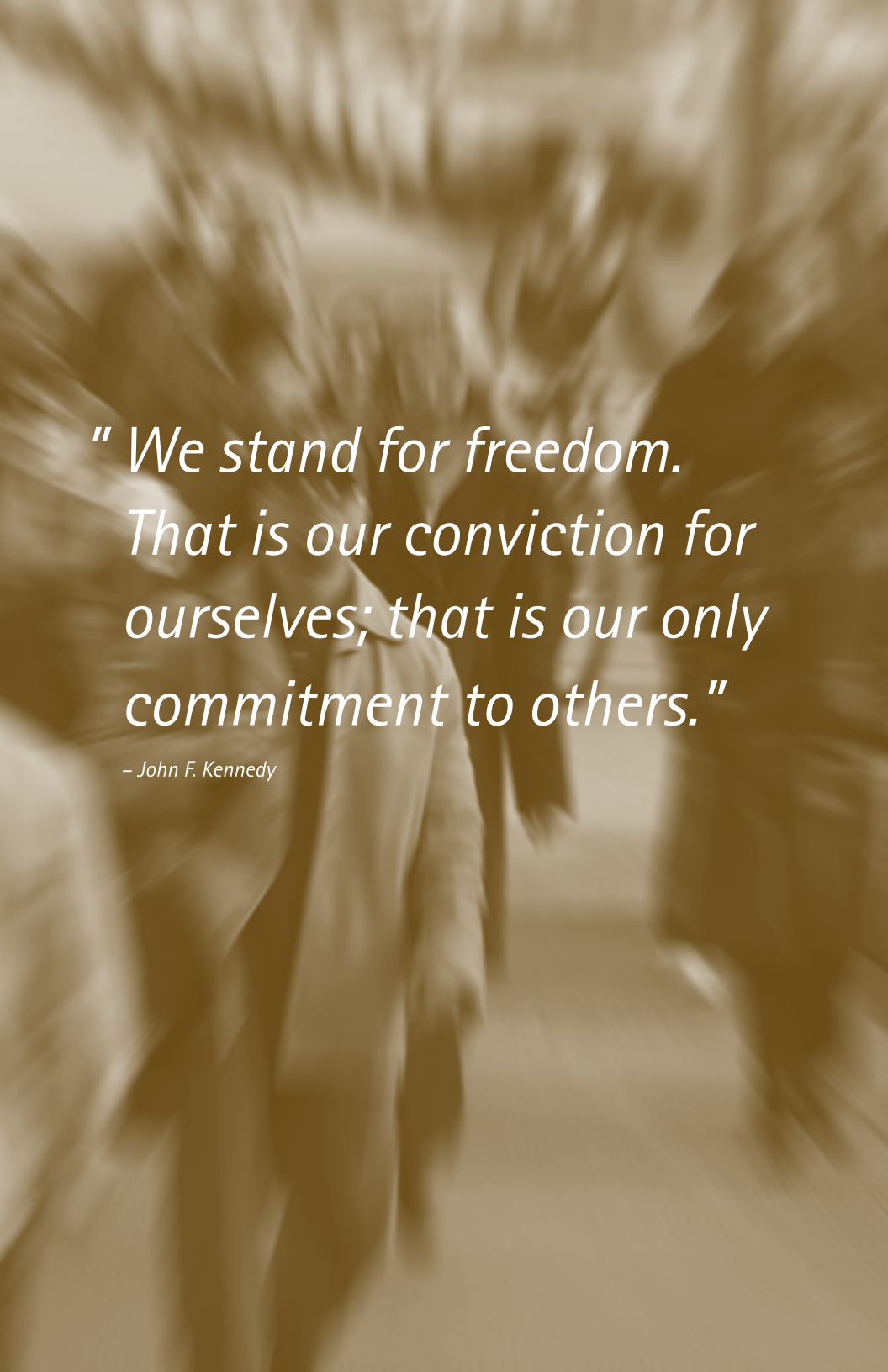
### NEED HELP WITH UNLAWFUL DISCRIMINATION CLAIMS?

Illinois Human Rights Commission  
William G. Stratton Building, Room 404  
401 South Spring Street  
Springfield, Illinois 62706  
ph (217) 785.4350  
fax (217) 524.4877  
TDD: (312) 814.4760

OR

Illinois Human Rights Commission  
James R. Thompson Center  
100 W. Randolph Street  
Suite 5-100  
Chicago, IL 60601  
ph (312) 814.6269  
fax (312) 814.6517  
TDD: (312) 814.4760

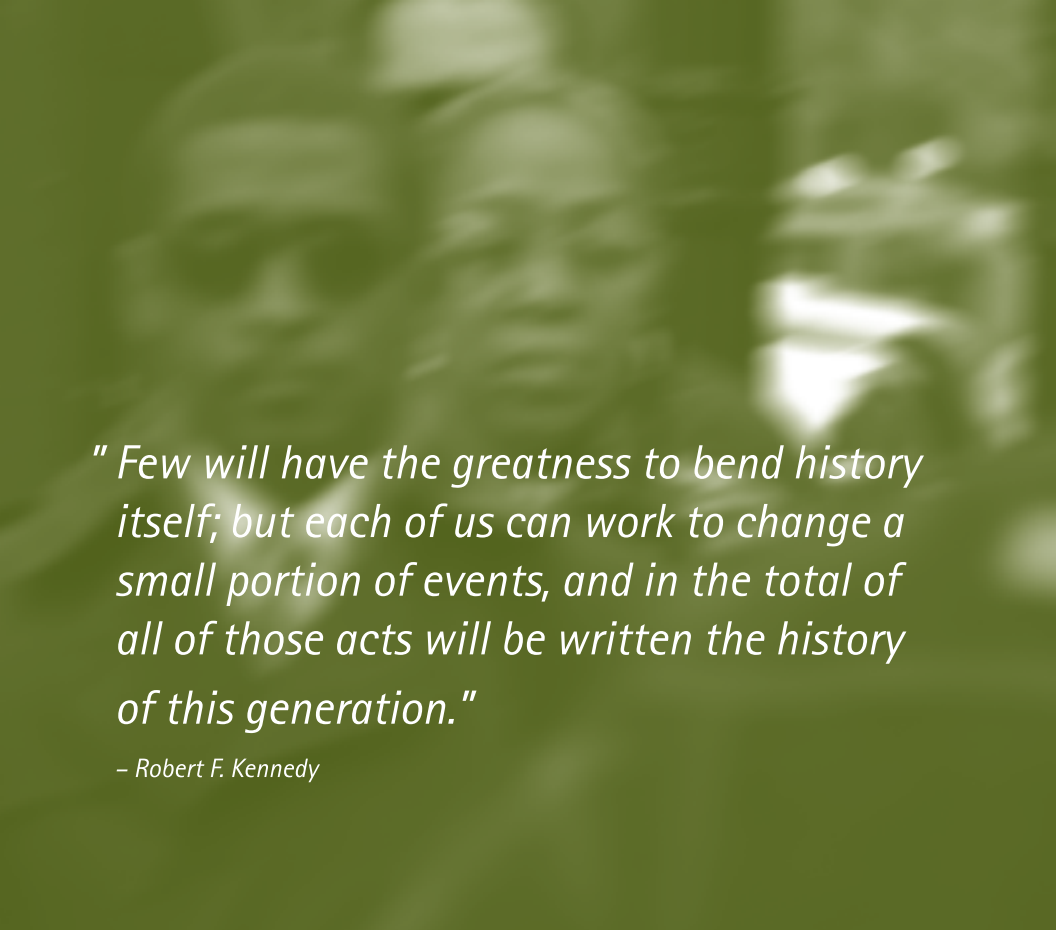
web site: [www.state.il.us/ihr](http://www.state.il.us/ihr)



*" We stand for freedom.  
That is our conviction for  
ourselves; that is our only  
commitment to others."*

*– John F. Kennedy*





*" Few will have the greatness to bend history  
itself; but each of us can work to change a  
small portion of events, and in the total of  
all of those acts will be written the history  
of this generation."*

*– Robert F. Kennedy*

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web site: [www.state.il.us/ihrcc](http://www.state.il.us/ihrcc)